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CONCRETE, INC. and N.M.N. CONSTRUCTION, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARGO CONCRETE, INC., a California
Corporation; N.M.N. CONSTRUCTION,
INC., a California Corporation.

Plaintiffs,

v.

LIBERTY MUTUAL FIRE
INSURANCE COMPANY, a
Massachusetts Corporation, and DOES 1
through 100, inclusive.

Defendants.

AND RELATED COUNTERCLAIM

Case No. C07-04651 CRB (ADR)
The Hon. Charles R. Breyer

**DECLARATION OF NICHOLAS
ROXBOROUGH FILED IN
SUPPORT OF STIPULATION
CONTINUING (1) HEARING ON
MOTION TO DISQUALIFY; AND
(2) CASE MANAGEMENT
CONFERENCE AND RELATED
DEADLINES**

[Stipulation and Order Filed and Served
Concurrently Herewith]

Complaint filed on September 10, 2007

[Pursuant to Civil L.R. 7-7]

I, NICHOLAS ROXBOROUGH, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Roxborough, Pomerance & Nye LLP, attorneys of record for the plaintiff Largo Concrete, Inc. and plaintiff and counter-defendant N.M.N. Construction, Inc. (collectively "Plaintiffs"). I have personal knowledge of the facts set forth below and, if called and sworn as a witness, could and would testify competently thereto.

2. During the week of November 26, 2007, I must report for jury duty at Los Angeles County Superior Court, which would prevent me from being able to attend the November 30, 2007 hearing on Liberty Mutual's Motion to Disqualify Roxborough,

1 Pomerance & Nye LLP from representing Plaintiffs in this matter.

2 3. During the weeks of October 29 and November 5, 2007, I have a very
3 heavy schedule on my calendar such that preparing a thorough opposition by the current
4 November 9, 2007 deadline would be very difficult.

5 I declare under perjury, pursuant to the laws of the United States of America, that
6 the foregoing is true and correct.

7 Executed this 30th day of October 2007 at Woodland Hills, California

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NICHOLAS ROXBOROUGH